

BOARD OF SELECTMEN
MINUTES
APRIL 9, 2007

Pursuant to notice duly filed with the Town Clerk, a meeting of the Board of Selectmen was held at 7:30 p.m. in the Hearing Room.

Present were Virginia McIntyre, Chair; Anne D. Shapiro; Margaret B. Briggs; Gregory P. Howes; and Philip Benincasa, Clerk. Also present was Christopher Whelan, Town Manager.

CONSENT AGENDA:

- Town Accountant's Warrants
One Day Special Alcohol Licenses for Concord Country Club 246 Old Road to Nine Acre Corner-- May 17 Member Guest Golf Tournament; June 2 & 3 Men's Spring Member Guest; June 14 Men's Member Guest; June 23 and 24 Men's Spring Member Member Golf Tournament; July 19 and 20 Ladies Invitational Golf Tournament; July 26 Men's Member 3 Guest; August 3 and 4 Andrew Dawson Invitational Golf Tournament; August 16 Golf Tournament; September 15 Members Wine Dinner; September 7, 8, and 9 Men's Fall 3 Day Member Guest Tournament; September 20 Member Guest Tournament; October 4 Golf Tournament; October 14 Men's Fall Member Member Tournament

On a motion duly made and seconded, it was:

VOTED: To approve the consent agenda (3-0-2 Ms. McIntyre, Ms. Briggs).

TOWN MANAGER'S REPORT:

1. Peter Flynn was honored as Tree Warden of the Year. He will be celebrated at the annual Arbor Day tree planting at the regional high school.
2. Before the most recent storm, the snow and ice account retained about \$50,000 of the \$430,000 allocated. Due to the warmer weather of a spring storm there was not as rigorous a clean up needed. The \$30,000 to \$50,000 remaining in the snow and ice account will be reprogrammed into the 2008 guideline. Town Meeting also earmarks a snow and ice reserve that was not used this year. Those unused funds go into Free Cash.
3. The Town has learned that it will be receiving approximately \$100,000 more in local aid than anticipated. This will be in both Chapter 70 School aid and the payment in lieu of taxes that the Commonwealth pays towns in which state facilities like prisons and parks are located.
4. The Town will be transferring to its new website on April 12. There should be no interruption of service and the same information will be presented in an easier to use format.
5. There was an automobile accident in the area of Commonwealth Ave and Lawsbrook Road that resulted in power, telephone and cable television being put out of service. While power was restored within one hour, other services took much longer and affected other towns as well.
6. The Playing Fields Forum will be held in the hearing Room of the Town house on April 10 at 7:30PM. There will be discussion ON current and future needs as well as information about the proposal for Town Meeting.
7. Concord Clean Up starts this week. This annual spring clean up of public spaces is a partnership of volunteers, Concord Public Works and the Natural Resources Division. Those interested is helping or learning more should call Natural Resources.

The Verizon representative who was part of the petition to do work in the right of way on Virginia Road has not yet reviewed the extensive record on undergrounding requests the Town has made to Verizon to no avail.

COMMITTEE LIAISON REPORTS

Consent Agenda

Town Manager's
Report

Liaison Reports

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Mr. Benincasa reported that the Agriculture Committee continues to work hard and “grow” into its tasks. The Committee is planning to produce a tri-fold map of local farms for use by residents and visitors. In addition, the committee is preparing a request for improved signage, perhaps funded by an allocation from the Board’s Annual Appeal. It was suggested that requests for funds should be made to the community.

CITIZEN COMMENT

Citizen Comment

Charlie Blair of Florio Drive reported that he has learned that Acton has used CPA funds to refurbish and expand the football field at the regional high school. He believes that Concord should pursue the possibilities of this aspect of CPA funding if it is acceptable in other communities. In his opinion, an expanded, lighted, artificial turf football field should be part of the playing fields master plan and done first. However, the regional school committee has indicated that it is not interested in an expanded community use of the field.

Ms. Shapiro stated that she would have appreciated more information from the Town Manager about this information. It was pointed out that the decision to use CPA funding comes first from the Committee which has indicated that it is interested in a conservative interpretation of the CPA law.

Patti Hecht of Bristers Hill reported that the playing fields plan and fundraising appeal had been removed from the Town web site, but then reappeared. In addition, she had a copy of a brochure that she believed is intended for mailing to the community. Since it has no attribution of who created and paid for it and since it closely resembles what had been posted on the web site, she felt that some might believe this was done with Town resources.

Mr. Whelan stated that no Town resources were used to produce the brochure. He stated that the original web site posting was done with his permission and that the funding appeal had been removed when Ms. Hecht protested. Shortly thereafter, the entire posting was removed and it was not clear how it had been re-posted. While it is unfortunate that there is no indication of who produced the brochure, this is not a requirement for materials that are intended to lobby for Town Meeting issues.

THE BOARD RECESSED THE MEETING to the Finance Committee and Community Preservation Committee Joint Hearing on Special Town Meeting. At the conclusion of the hearing the Board resumed its meeting.

Mr. Ping Mei of Strawberry Hill Road was present to alert the Board to a safety problem having to do with blasting in his neighborhood. The blasting is to create a new foundation for a house on a vacant parcel in the neighborhood. During the course of the first blast, which was 150 feet from his house, debris showered his property, a projectile crashed through a skylight at his home which is 150 feet from the blasting, and a twelve pound rock landed on his property.

Steve Resnick also a neighbor of the blasting site was present to note that there are an additional 130 holes prepared for blasting. His well is 200 feet from the blasting site and his house 300 feet away. He questioned the pre-review safety of blasting operations and whether it was a town or state responsibility. In his opinion, the following conditions should be required: seismic measurements should be made at the three abutting houses; professional independent review, at contractor expense, of any new plan before blasting occurs; that abutters may see the plan for their own independent review; and contractor insurance be increased up to \$1MM.

There is a State Fire Marshall hearing on the incident next week. The Fire Chief is considering renewing the blasting permit with additional conditions.

Board discussion resulted in a request to the Town Manager to ensure that there is a high threshold of safety required before blasting resumes. Conditions should include additional seismic monitoring, smaller blasts, an independent geotechnical engineering study, and adequate insurance for abutters.

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HUGH CARGILL FARM TASK FORCE CHARGE

Town Manager Chris Whelan circulated a rough draft of a Charge for the task force that would study the history, current and future uses of the Hugh Cargill Land on Walden Street.

The task force was suggested as an outcome of a meeting on March 30 of all parties with an interest in Article 30. Petitioner Jim Catterton has agreed not to move the Article if the Board charges a task force to investigate the concerns raised in the article.

The components of the Charge include purpose, background, membership, duties, and reporting. The Board proposed clarifications in membership, the reporting period, and the report audience. Any recommendations to Town Meeting would be made by the Board of Selectmen. There will be additional consideration of the Charge at a later meeting.

TOWN MEETING UPDATE

Ms. Briggs will determine whether the Planning Board has taken a position on Article 40. Mr. Whelan reported that the Light Board and representatives of the Comprehensive Sustainable Energy Committee are working to develop a Charge for a new committee that will make it unnecessary to move Article 37.

Ms. McIntyre reminded the Board that they should circulate proposed remarks to Town Meeting.

MISCELLANEOUS:

1. Regarding blasting, Mr. Howes suggested setting a minimum general liability limit by the blasting company and naming abutters and Town of Concord as "Additional Insureds" on the blasting company's General Liability Policy.
2. Ms. Shapiro noted several events on the calendar, including the Ball, Parade, Battery Lunch, and Dawn Salute. In addition there will be the Holocaust Observance ceremony on April 22. Town Meeting will begin on April 23 at the regional high school.

EXECUTIVE SESSION RE:

On a motion duly made and seconded, it was:

VOTED: To adjourn the Open Session and to enter into Executive Session to discuss land acquisition, not to return to Open Session.

Anne D. Shapiro	Aye
Virginia McIntyre	Aye
Philip H. Benincasa	Aye
Gregory P. Howes	Aye
Margaret B. Briggs	Aye

The meeting adjourned to Executive Session at 9:20 p.m.

Respectfully submitted,

Philip H. Benincasa, Clerk

Hugh Cargill Farm
Task Force

Town Meeting Update

Miscellaneous

Executive Session